

CIVIL SERVICE COMMISSION
REGULAR MONTHLY MEETING
Monday, June 20, 2016

The regular monthly meeting of the City Civil Service Commission was held on Monday, June 20, 2016 at 1340 Poydras Street, Suite 964. Ms. Doddie Smith, Personnel Administrator of the Management Services Division, called the roll. Present were Chairperson Michelle D. Craig, Commissioner Joseph S. Clark, Commissioner Tania Tetlow and Commissioner Cordelia Tullous representing a quorum. Chairperson Craig convened the meeting at 10:06 a.m. Vice-Chairperson Ronald P. McClain joined the meeting at 10:07 a.m. The Commission then proceeded by sounding the Commission's docket. On motion of Commissioner Tetlow and seconded by Vice-Chairperson McClain, the Commission voted unanimously to add the consolidated appeal of Michael and Dejouris Duplessis, docket #s 8269, 8270, 8280 & 8281 to the docket as requested by attorney Katherine Crouch.

At 11:45 p.m. Commissioner Tetlow made the motion to go into executive session to discuss matters taken under advisement and pending litigation. The motion was seconded by Commissioner McClain and unanimously approved. At 12:23 p.m. the Commission completed its executive session and proceeded with the business portion of the meeting.

Item #1 was the minutes from the May 23, 2016 meeting. Commissioner Tetlow moved approval of the minutes. Commissioner McClain seconded the motion and the minutes were approved unanimously.

Commissioner McClain motioned to add an agenda item regarding the designation of primary and secondary evaluators for performance evaluations for the two employees who report to the Civil Service Commission. The motion was seconded by Commissioner Tetlow and approved unanimously.

Commissioner McClain then made a motion to designate Chairperson Craig and Commissioner Tetlow as the primary evaluators for Personnel Director Hudson and Chairperson Craig and Commissioner Tullous as the primary evaluators for Commission Counsel Brendan Greene. Commissioner McClain also proposed the full Commission to act as secondary evaluators for both Ms. Hudson and Mr. Greene. This motion was seconded by Commissioner Clark and approved by all Commissioners.

Item 2 was a series of requests from the Administration. Item 2(a) was a request for approval of an amendment to Rule IV, Section 9.7, 9.10, 9.11 to raise the overtime limit for Public Safety and Special Events from 416 hours to 750 hours annually. Robert Hagmann, Personnel Administrator over the Classification and Compensation Division stated that staff's primary concern was that overtime usage reports be presented on a quarterly basis in order to monitor and manage the use of overtime. He noted that the Administration's amendment to Rule IV Section 9.7 listed an annual reporting requirement. Mr. Hagmann then noted the Commission's three responsibilities with respect to overtime administration: to make sure employment opportunities are not being displaced, monitoring for safety issues due to overworking, and that the position is properly allocated.

Alexandra Norton, representing the Chief Administrative Office (CAO), stated that in general overtime is under the purview of the Chief Administrative Office because it is a budget issue. She stated it is typically a quick review. She stated quarterly reporting would be an unnecessary burden.

Mr. Hagmann stated that he thought the information is already gathered by CAO on a quarterly basis. He suggested that the reports be sent to the Personnel Director on a quarterly basis, not reported on to the Commission.

Ms. Norton asked if that information would need to include a projection by individual and a report by individual. Director Hudson replied that it would just be a report on overtime usage. Ms. Norton stated that she thought annually was sufficient.

Commissioner Tetlow asked what the purpose of a quarterly review would be. Director Hudson replied that the purpose would be to see if there was excessive use of overtime and if so, contact the CAO for a reason why and to determine if there was a need to instead fill another position. The idea is to monitor overtime usage year round to ensure there aren't abuses. Commissioner Tetlow asked if the department is doing so now. Director Hudson replied that the department is not receiving the reports now. When the yearly information is received, staff tries to review it for potential issues. Commissioner McClain asked if the information could instead be received twice a year. Director Hudson responded that the information could already be requested through a public records request. The staff's proposed change

is to make it clear that there is an expectation to receive the information on a quarterly basis.

Andrew Kopplin, Chief Administrative Officer, stated that he was unaware of any requests for overtime data to which his office had been unresponsive. Director Hudson stated that in the past when overtime data had been requested, it had been received on an individual basis and not by department as requested. Staff had continually asked for that change. Mr. Kopplin asked to whom staff had made that request. Ms. Hudson responded that the request had been made to IT. Mr. Kopplin asked when the request had been made. Ms. Hudson stated it had been prior to the ADP conversion and offered to send copies of those requests if necessary. Mr. Kopplin stated he was not familiar with the requests. He stated that CAO regularly monitors overtime and produces an almost monthly report as part of Bottom Line Stat. The report is publically posted on the City's website. He stated he would not want an additional reporting requirement put in place for something that was publically available because it could result in an audit finding if the Administration did not comply. He stated the monitoring of overtime was a CAO function, not a Civil Service function. Ms. Hudson stated that the information that had been given to staff is submitted at the end of the year after the overtime use has already happened. She stated she did not understand why it would be an issue to share the information with Civil Service staff if it is already being produced on a monthly basis. Mr. Kopplin stated that part of the challenge is the number of different types of reports that have to be produced in conjunction with different requirements.

Ms. Hudson stated the intent was not to put in place something to cause another audit finding. It was just to get the information staff had not been receiving on a regular basis. She further stated that if the CAO is publishing the information monthly and there is a place to get that information, it should be sufficient. Commissioner Tetlow instructed staff to try that for now and if there was a problem staff could report back.

Commissioner Tetlow moved approval to the Administration's proposed amendment to Rule IV, Section 9.7, 9.10, 9.11 to raise the overtime limit for Public Safety and Special Events from 416 hours to 750 hours annually. Commissioner McClain clarified the reporting requirement was yearly. Commissioner Tullous seconded the motion and it carried unanimously.

Item 2 (b) was a request from the Administration for approval of a proposed pay plan amendment regarding on call pay. Robert Hagmann stated that the administration had proposed a special rate of pay for being on call for Sewerage and Water Board (S&WB) at a rate of 12 ½ % above the employee's hourly base pay for each hour on call. Staff is proposing a Rule change that better addresses the Inspector General's concerns relative to the standards of use for on call pay. The Rule change addresses who receives the pay, when the pay is earned, how the pay is earned and adds accountability and controls. The proposed Rule change would apply to all City agencies, not just Sewerage and Water Board for the purpose of uniformity for those who are similarly situated in City government. Use of the on call pay rule would be authorized and managed by the individual department heads. Mr. Hagmann stated that the current rule does not allow for on call pay.

On Call Pay is subject to the following conditions:

- A. An appointing authority may assign and compensate non-exempt employees to perform on call duty based upon a written policy that establishes reasonable criteria which shall include: the likelihood of the occurrence of an off-hours emergency, the nature of the potential emergency, and the consequences of delaying response to the emergency until normal working hours. An appointing authority's written on call policy shall also clearly define the geographic restrictions, call frequency, required response times, pool of employees available to perform the work and any other restrictions on employee's activities during their on call shift such as those pertaining to the use of alcohol. Salaried employees may be assigned on call duty but do not receive extra compensation for the assignment.
- B. Any non-exempt employee who is assigned on call duty shall receive up to 12.5% of his or her regular straight-time hourly pay rate for each hour of on call duty.
- C. Non-exempt employees who are required to be "on call" are not eligible for additional monetary compensation, if such employees have the freedom to go from place to place to pursue their own interests by either leaving a telephone number where they can be reached or being able to be reached via radio, "beeper", etc. If the employee has been contacted and is required to report to work,

reasonable travel time to and from the place of work is to be included as compensable hours of work.

- D. When an non-exempt employee assigned to on call duty responds to an emergency, or other problem for which he or she has been called, on call pay will be discontinued and overtime or regular pay will commence upon arrival at the work site, as defined by the appointing authority's written policy.

Mr. Hagmann noted that Sewerage and Water Board's proposed special rate of pay has the potential to allow for double dipping in terms of receiving on call pay and working. He continued reading the proposed rule.

- E. Appointing authorities who opt into an on-call pay program, must submit a written policy for approval of the Personnel Director. Upon approval, the appointing authority shall maintain on call duty schedules so that affected employees and the Personnel Director have adequate notification of on-call activity.

Note that proposed section "F" was not read into the record by Mr. Hagmann. It reads, "Any revisions to an approved on-call pay program must be submitted in writing for approval of the Personnel Director."

Commissioner McClain asked if there is currently an on call pay policy. Mr. Hagmann stated that there was currently a Chief Administrative Office policy that prohibits on call pay.

Yolanda Grinstead, Counsel for Sewerage and Water Board, stated that she had meet with Brendan Greene and that they did not believe there was a need for a rule change, rather that Sewerage and Water Board could devise an on call pay policy. Mr. Greene had reviewed the proposed policy and S&WB had accepted his recommendations.

Ms. Hudson stated that the rule had been written and interpreted in the past to mean that if you are free to move about at will you are not authorized to receive on call pay. Staff's response when asked had always been that Sewerage and Water Board was in not compliance with the rule. She stated that the Inspector General had also reviewed it and agreed that the Sewerage and Water Board was not in compliance with the rule.

Commissioner McClain stated that he understood that there were several parties that disagreed with the Inspector General's findings.

Director Hudson stated that due to the lack of consensus on interpreting the rule, there was a need to beef up the rule to make it clear whether a department is in compliance or not.

Commissioner McClain asked if staff's proposed changes would affect the current rule that is in place. Mr. Hagmann responded affirmatively. Commissioner McClain asked if this was responsive to S&WB. Mr. Hagmann again responded affirmatively. He stated staff is providing S&WB with a rule that allows for premium pay while addressing the Office of Inspector General's concerns regarding standards of use. Ms. Hudson stated the proposed rule sought to clarify the conditions under which an employee is eligible for on call pay. Commissioner McClain asked what concerns the Office of Inspector General expressed. Ms. Hudson stated that a concern was that it was not clear what restrictions individuals who earned on call pay were under when doing so. She stated the proposed rule sought to clarify those restrictions. An additional concern was regarding individuals who earned on call pay, but were never called out and if those individuals should continue to receive on call pay. Ms. Hudson stated it was also unclear how individuals were selected to receive on call pay. Ms. Grinstead stated that those concerns are addressed in S&WB's proposed policy. Mr. Hagmann suggested that the proposed pay plan amendment could cause conflict with the policy.

Ms. Hudson stated that the rule would apply to all City agencies and give guidance to other agencies who want to establish a policy.

Donovan Livaccari, representing the Fraternal Order of Police, stated that any changes to on call pay should be looked at for all City employees. He said many police officers are on call twenty four hours a day, seven days a week and do not receive compensation. He further stated that if we are going to start paying on call pay it should be given in a fair and consistent manner. Commissioner McClain stated it was his understating that people are already being compensated for on call pay. Mr. Livaccari disagreed.

Commissioner Tetlow expressed a difference between the general idea that as an employee I will be called out as an emergency worker as opposed to a period where I am required to carry a phone and abstain from alcohol. Mr.

Livaccari stated that he was formerly the head of the Traffic Fatality Division at NOPD, and was required to carry his phone at all times and was not compensated. Commissioner Tetlow asked if he could drink alcohol. He stated he could not.

Eric Hessler, representing the Police Association of New Orleans, stated he agrees with what Mr. Livaccari noted. The eight District Investigative Lieutenants are in charge of units that operate twenty four hours a day seven days a week. NOPD's rules prohibit reporting for duty under the influence of alcohol.

Commissioner Tetlow stated that that rule is different than requiring officers to abstain from alcohol because they may be called in at any time.

Commissioner McClain asked if that applied to 100% of the Police Department. Mr. Hessler replied it did not. He estimated it applied to 30% of employees. He gave examples of the District Investigative Unit (DIU) and SWAT team. He said the employees were non-exempt. Commissioner Tetlow stated that we cannot afford to pay employees twenty four hours a day, seven days a week. Mr. Hessler stated that was not the request. The request is for a portion of their compensation during that time. Commissioner Tetlow asked if they should be compensated while they are sleeping. Mr. Hessler replied affirmatively if the City expects them to be called out.

Commissioner McClain asked if the police unions disagreed with S&WB's request. Mr. Hessler replied that he supported S&WB employees receiving on call pay. Commissioner McClain stated the issue at hand was whether or not there is a need for a rule change. Mr. Hessler stated that there is a need to be more specific as to who is actually on call. He gave the District Investigative Unit as an example. Commissioner McClain asked if he had reviewed the proposed rule changes. Mr. Hessler stated no, but he supported them. He said that if the City applied on call pay with regard to qualification and not budget, there may not be a need for a rule change. Otherwise there is a need for more specificity and enforcement. He gave the example of the SWAT team.

Mr. Livaccari stated that it is likely that a rule change is required. Currently the Rule states, for the most part, that people who we consider to be on call are ineligible for on call pay. He stated the current rule clearly exempts

almost all forms of on call pay. He said the rule almost requires a person to be at work to receive it. He supports taking a global perspective of the on call pay rule. He noted that we should have a consistent policy.

Commissioner McClain stated that it did not appear that the proposed rule had input from the various stakeholders. Director Hudson stated that this was an introduction of the rule as an option.

Brendan Greene stated that S&WB is presenting their policy and asking the Commission to review it in light of the existing rule to determine if it complies with the rule as it is currently written. He stated he reviewed the policy, provided feedback, and S&WB had incorporated that feedback.

Nick Felton, President of the New Orleans Firefighters Association (Local #632), stated that Fire Prevention Officers are on call. A holistic approach should be taken when addressing this. He added that EMS workers can be called on at any time and that these changes should not be made piecemeal.

Nolan Lambert, Special Counsel to SWB, echoed what Mr. Greene stated. The Office of Inspector General stated you cannot get on call pay if you have the freedom to go from place to place. There are other restrictions like not drinking and reporting within a certain period of time. We did not agree with the Office of Inspector General. Civil Service counsel recommended revising the policy without a change to the rule. We do not want the rule change. We believe our policy legally complies with the rules. Staff's proposed rule change will not solve the problem of NOPD and NOFD. The current rule should stay the way it is.

Commissioner McClain stated it makes sense to look at a rule change that would be responsive to all employees, but that he did not want to delay S&WB's process. Commissioner McClain made a motion that S&WB's policy as written does comply with the rules. He would like staff to look at the rule comprehensively with input from the various unions and other stakeholders in the long run.

Director Hudson clarified that what is before the Commission is a request for a pay plan amendment to allow for 12 ½ % for non-exempt employees who are required to be on call by S&WB and under their policy.

Mr. Hagmann stated for the record that staff has concerns with S&WB's proposed policy.

Yolanda Grinstead stated that S&WB had worked to resolve the concerns of staff. Ms. Hudson noted that the concerns that were addressed were those of the Commission's Counsel, not staff.

Commissioner Tetlow asked if a rule change was required. Mr. Greene stated it was not, that S&WB was looking for guidance on its on call policy in terms of its compliance with the rule. In addition, there is a proposed pay plan amendment. Commissioner McClain motioned to agree that the policy complies with the Rules and moved approval of the pay plan amendment to allow for it. Commissioner Tetlow seconded the motion. The motion was approved unanimously.

Director Hudson asked if the rule change proposed by staff should be further looked into. Commissioner Tetlow stated concern over the implications for other City workers and urged that we should think about it more.

Item #2(c) on the agenda was a request for a rule revision that would allow the Commission to delegate certain personnel transactions from the Department of Civil Service to other agencies. Mr. Hagmann stated that the Louisiana State Constitution reads that permanent classified appointment and promotions in the State and City Civil Service shall be made only after certification by the appropriate department of Civil Service under a general system based up merit. The staff does not believe that the proposed rule would allow the Commission to delegate authority to another City Department to certify individuals for appointment is in keeping with the State Constitution and the staff does not support adoption of the rule. The Commission must exercise its own plenary powers given to it under the Constitution. This authority must be administered by the Personnel Director. Neither the Commission nor the Director may delegate their respective constitutionally imposed responsibilities to others.

Commissioner McClain asked for Mr. Hagmann's interpretation of certified. Mr. Hagmann quoted the definition in the Civil Service Rules. He stated that certification is official notice to an appointing authority by the department of a list of names of persons from an appropriate employment list who are eligible to be considered for appointment to a position in the classified service. Amy Trepagnier, Deputy Director, stated that certification speaks to the eligibility of individual for appointment in that

they have passed the assessment for fitness, merit, etc. that is proscribed in the Constitution.

Commissioner McClain asked if the meaning of certified is actually staff submitting a list to the appointing authority. Ms. Trepagnier replied that it is staff saying that these individuals have met the qualifications for this position. Commissioner McClain clarified that it is a list of names that the staff has certified or deemed appropriate for the position. Ms. Trepagnier responded affirmatively. By issuing that list it speaks to the individuals on that list having demonstrated that they meet the qualifications. Commissioner McClain asked if that was the staff's assessment. Ms. Trepagnier agreed. He gave the example, of an outside contractor who has done the work for Civil Service and asked if staff can review that work and stamp it as certified. Ms. Trepagnier responded that it depends on what the work being performed is.

Mr. Greene stated what is proposed is an amendment to Rule VI with a new rule preface. He stated that he has shared his research of the constitutionality of that delegation with the Commissioners and it was up to them if they wanted that information to remain privileged. The new rule preface talks about the responsibility of both the Commission's staff and the appointing authorities. It outlines a pilot program in connection with the initial delegation. It contains the existing rule and then a series of edits. It closely tracks what the state did when it delegated this authority. In connection with this delegation there were a series of requirements. Currently staff assesses whether or not an applicant meets the minimum qualifications. Once that assessment is made, staff certifies a list of eligibles to the appointing authority. This rule allows the Commission, provided they are satisfied that the appointing authority has the ability and capacity to handle that delegation, to allow an appointing authority to make that assessment as to whether or not an applicant meets the minimum qualifications for original appointment or promotion. Those minimum qualifications are still established pursuant to the Commission's other rules by the Personnel Director with input from an appointing authority. If there is a dispute with respect to those minimum qualifications there is recourse to the Commission for a final determination.

Commissioner McClain questioned how this would affect the Personnel Director's ability to authorize others to conduct exams under other existing rules. Mr. Greene noted that that portion of the rules is not being changed.

Currently, the Personnel Director has the authority to delegate testing to appointing authorities. This rule change allows the Commission to delegate the authority to measure an applicant's qualifications against the minimum qualifications. There is also a requirement that any of these decisions are audited by the Civil Service Department through the Personnel Director. As currently drafted, the rule mirrors the State's rule in that the decision of the Personnel Director is final. Any delegation and review would follow processes established by the Personnel Director. There is a process for if a person is appointed in error and also for applicants to appeal the decision of the appointing authority to the Personnel Director. This standard of review creates uniformity because if delegation is expanded, you don't want one appointing authority determining that an applicant meets the qualifications and one deciding that he does not.

Commissioner Tetlow asked if there was currently any appeal of determining if an applicant is qualified. Mr. Greene responded that currently the decision of the Personnel Director is final. The proposed rules do not change that.

Cedric Grant stated that he wanted the ability to come back to the Commission if things are not working well.

Donovan Livaccari, with the Fraternal Order of Police, stated that he whole heartedly agreed with Mr. Hagmann's assessment of the proposed rule change. He stated this rule change changes constitutionally awarded authority of the Department. This Commission is without the authority to delegate things that are specifically directed to the Personnel Director or the Civil Service Department by the State Constitution. This is extraordinarily concerning. We may be talking about the Sewerage and Water Board today, but we will be talking about the Police Department next. The manpower issues in the 1990's put pressure on the process that left us with Antoinette Frank and Len Davis. The Recruitment Division of NOPD would direct applicants with felony convictions to a particular judge to have that conviction expunged in order to make them eligible for hire. This is a slippery slope. From a legal stance we are talking about delegating authority that is specifically given to the Director and Department by the Constitution.

Nick Felton referred to Home Rule Charter Section 8 104 that states that the Director shall conduct competitive examinations for entrance and promotion in the classified service. Section 8 106 states that the rules shall regulate

appointment, promotion and removal and other personnel matters. It shall establish the certification of eligibles. Mr. Felton stated we continue to look at these violations of the Constitution and Home Rule Charter as it relates to what the duties are here, to prevent the spoils system. He further stated that he had spoken with the State Examiner's Office. The State did try that a while back and they realized it was a waste of money, a violation of what they should do, and a duplication of services. This is not necessary. He urged the Commission to fund this Department and let them do what they need to do.

Commissioner Craig said that the State tried this, but is no longer doing it. There was no lawsuit that said it was unconstitutional.

Nick Felton stated that the reason they no longer do it is because it violated the Constitution. Neither the Constitution nor the Home Rule Charter allows for it. It is supposed to be under the Commission.

Yolanda Grinstead stated that delegated authority is done by the State. It is currently in the State's rules. What the Commission Counsel drafted is exactly like the State's rules.

Mr. Felton and Director Hudson disagreed with Ms. Grinstead. Ms. Hudson stated that the state's rules allow the Personnel Director to delegate her authority. The Commission did not take it away from the Personnel Director and then decide to give it to another department.

Commissioner McClain asked if staff used contactors to provide determinations as far as the screening process is concerned. Ms. Hudson stated that that is done at the discretion of the Personnel Director. She stated that authority has never been delegated to contractors. Commissioner McClain asked who the people were from other police and fire departments who come in to score the tests. He stated that the Personnel Director delegates her authority to those individuals. Shelly Stolp, Personnel Administrator over the Recruitment and Selection Division of Civil Service clarified that Civil Service creates the test and the answers to the test and that the raters merely apply Civil Service's rubric. Ms. Trepagnier stated that the service they provide is highly monitored and guided by Civil Service staff and policy. Civil Service can certify because of the monitoring of the work that is being performed.

Commissioner McClain asked if staff would still be certifying under the amended rule. Ms. Hudson answered no. Mr. Greene pointed to section 3.4 of the rule and verified Ms. Hudson's statement that the proposed rule would allow the delegation of certification to the appointing authority.

Mr. Livaccari stated that that was contrary to the Constitution.

Mr. Felton noted that this rule is going to have City wide application. Commissioner Tetlow stated if we use it. Mr. Felton stated that the Commission does not have the authority to amend the home rule charter and the Constitution.

Nolan Lambert stated that Sewerage and Water Board agreed with Mr. Greene that the law does allow for this. It is a mirror of what the State does. The rule says it is a pilot program for the Sewerage and Water Board, so it does not apply to other departments.

Commissioner Tetlow moved passage of the rule. Director Hudson asked if the rule would lie over as is common practice. Commissioner Tetlow stated that it was not a requirement. Commissioner McClain seconded the motion. Commissioners Tetlow, McClain, Craig and Tullous voted for the motion. Commissioner Clark voted in opposition. The motion carried.

Item #2(d) was a request for the Commission to delegate all on-going and future personnel recruiting and hiring processes to Sewerage and Water Board. Mr. Robert Hagmann stated that the staff does not support the proposed pilot that would delegate certification authority to the Sewerage and Water Board's Human Resources Department. The staff does not believe that the Sewerage and Water Board's Human Resources Department is ready to handle delegation at this time. The staff is new and is still in the process of learning Civil Service processes. The accountability and controls necessary to maintain uniformity of the system and merit principles are not there. He stated the Commission would be setting up a Civil Service Department in the Water Board.

Shelly Stolp provided examples of Water Board personnel employees lacking knowledge of the SWB payroll system, submitting provisional requests for people who do not meet the qualifications, and a general lack of understanding of minimum qualifications. She further stated that since Hurricane Katrina S&WB has lost experience in the HR unit.

Commissioner McClain asked what the fix was. Director Hudson stated that the recommendation was that S&WB send an employee to Civil Service to be trained as if there were an employee of Civil Service before delegation.

Cedric Grant stated S&WB has hired experienced Human Resource employees. He has authorized the purchase of Neogov which is the same software Civil Service uses. Shelly Stolp pointed out that the State did not allow departments to have their own system. They set up delegated authority in their own system and the departments used that central system.

Mr. Greene pointed out that the new rule allows the Personnel Director to establish the policies and procedures the appointing authority must follow to create certificates for review. He stated the S&WB is on board with using Neogov. The focus the Commission is going to want to include in making this delegation determination is the creation of a system that can be monitored and audited.

Sharon Judkins, S&WB, stated her Human Resource credentials. She then stated that the Civil Service Director is responsible for training her agencies. She stated that the current process does not have policies and procedures. She stated she has developed policies and procedures, everything from requisitioning a position to the screening thereof, to interviews, certification, taking applications and onboarding. She added that there is a person in her office who we do agree can come and be with Civil Service for a portion of the day and then come back and apply what they have learned. We are aligned with best practices and hope to teach Civil Service some things about how processes should go. She further stated that here is a mechanism for S&WB to fill its vacancies with qualified candidates.

Commissioner McClain asked why both sides cannot work together. Robert Hagmann and Shelly Stolp indicated that staff is trying to work with S&WB. Mr. Hagmann noted that staff has policies and procedures, for example the AHRS manual which goes into specifics about personnel transactions. S&WB has a separate manual due to their payroll system. It is a policy and procedure and business process manual.

Ms Judkins stated that Amy Trepagnier told her that there are no policies and procedures since the new system. Ms. Trepagnier stated that the

policies have not been updated in conjunction with the new ADP payroll system, but Sewerage and Water Board does not have ADP.

Ms. Hudson stated that Sewerage and Water Board already has the manual, but the current staff is not aware of this because they are so new. The manual should have been given to Ms. Judkins by her existing personnel staff.

Mr. Hagmann stated that we still do not have an up to date manual for how actions are done in ADP. Ms. Stolp stated that when ADP was implemented staff asked for ADP to develop training for ADP processes.

Ms. Trepagnier stated that the manual combined policies and procedures and the corresponding actions in the payroll system.

Director Hudson stated that when the longtime personnel manager at S&WB retired another long term employee took his place. Civil Service was never notified that that employee or her staff needed training.

Director Hudson stated that she thought staff had made a recommendation on a way forward that would involve Sewerage and Water Board and Civil Service working together.

Mr. Grant stated that whatever the test is, he can assure you that it will be passed in a much shorter time than is suggested here. He stated that a six month training session was suggested on things that are antiquated. I'm ready to send a person here tomorrow. The person has a degree in Human Resources (HR) and experience in HR.

Commissioner Tetlow suggested that we create a pilot program with the understanding that S&WB employees will be trained by staff.

Director Hudson stated that staff does not have policies and procedures in place for delegated authority since this is the first time delegation has come up. She further stated that we cannot turn a switch on tomorrow and begin delegation. The State took eight months to prepare for delegation. I would hate to rush to do this and it turns out poorly.

Commissioner McClain pointed out that the state had delegated to multiple departments. Ms. Hudson noted that new policies and procedures will need to be developed regardless if delegation is for one department or several.

Director Hudson stated that staff's plan was to work with the State to mimic their processes for delegation as much as possible. She stated we have not had an opportunity to do so yet. She thought that the training of the Water Board employee and policy and procedure development could occur simultaneously. Staff is recommending a six month period for training and policy and procedure development and then delegate after that.

Ms. Stolp stated the State conducted pilot programs before changing the rule, but what the Commission is doing is turning on delegation today and making staff work backwards.

Ms. Tetlow disagreed and stated that this is a pilot program with one appointing authority. She stated the onus is on the S&WB to prove the program works, rather than Civil Service staff to prove that it does not work. She asked Mr. Grant how long of a sunset period he wanted. He suggested one year. Commissioner Tetlow moved a one year pilot program to delegate hiring and promotional authority to the Sewerage and Water Board beginning after a six week training program during which staff can develop policies on how the pilot program will work.

Ms. Hudson noted that Civil Service employees are trained for longer than six weeks to do this work.

Commissioner McClain seconded the motion.

Ms. Stolp asked for clarification on if delegation applied to city wide classifications used by Sewerage and Water Board. Commissioner Tetlow responded that you are probably not going to delegate that to them. Ms. Stolp stated that staff would need direction from the Commission on issues like city wide classifications.

Commissioner McClain stated that staff would be in a better position to give direction as to how this is done.

Commissioner Tetlow stated is a game of chicken where the administration does not trust staff to give you more resources and you keep telling us you don't have the resources to do the work and I believe that is true. If we took some of that work load, and I know you have an audit function, so I know it is some and not all of the work load, and see how the work is performed. We will see if S&WB can do it better as they say they can.

Director Hudson stated we prefer to be given the tools to do our job rather than the Commission figuring out how to remove those responsibilities and delegate them to other people to perform.

Commissioner Tetlow stated this is a moment for everyone to prove themselves. This is not about S&WB specifically. They came out with some vacancy numbers initially that they have since retracted; they have admitted this is not specifically about Civil Service slowing them up so much. This is not specific to Sewerage and Water Board. This as a pilot program makes a lot more sense to than Police who we will never delegate away from you for all the reasons the speaker spoke about because it is so crucial given the power that we give to a cop that you guys retain that authority. These are jobs that are less crucial in that sense and that the protections against patronage can be monitored by you all without needing you all to do all of the work of actually hiring people in these positions. It is not because I think you have failed S&WB, just to be clear. It is a pilot program.

Commissioner Clark stated essentially a one year working test period has been created.

Director Hudson clarified that the expectation was for a Water Board employee to work with staff for six weeks for full time. Commissioner Tetlow affirmed that it would be full time. Ms. Judkins recommended part time. Director Hudson stated they would be treated as if they were an employee of Civil Service and assigned Water Board work. Ms. Hudson stated that she does not believe a person can be fully competent with just six weeks of training. Over time you receive different types of experience that cannot be offered in just six weeks.

Commissioner Tetlow stated that the training should not stop after six weeks. Staff should continue to informally offer training and feedback.

All Commissioners voted affirmatively to the motion.

Item 2 (e) was a request for the Commission to delegate the agility test to NOPD. Johnathon Wisbey, Deputy Chief of Staff, spoke on behalf of NOPD. He stated the agility test is administered only twice monthly due to the lack of availability of NOPD staff who are trained in Cooper Standards. NOPD is seeking to put the agility administration out to bid to be administered five times a week including varied administration hours.

Ms. Trepagnier stated that NOPD cannot administer the process frequently enough, so as a result they are asking to take the responsibility away from Civil Service. She explained that Civil Service oversees the administration and NOPD demonstrates the agility events. Civil Service oversight of its administration is what allows for the certification by Civil Service of the results of the agility.

Commissioner McClain asked if Civil Service would still need to be involved if NOPD brought in a contractor. Ms. Trepagnier replied affirmatively. She stated that staff was willing to have a Civil Service employee trained in Cooper Standards so that staff could administer the agility five times a week. The problem with allowing NOPD to hire a contractor is that staff would no longer have oversight.

Mr. Wisbey explained the agility events.

Ms. Trepagnier explained that Civil Service observes the administration of the agility to ensure that the standards are met.

Commissioner Tetlow asked how many people fail the agility. She indicated that she did not see it as important as the psychological screening.

Ms. Trepagnier expressed concern that time would be spent in the Police Academy remediating individuals who are not physically fit.

Mr. Wisbey stated that he had been told directly by Lisa Hudson and Amy Trepagnier that if he made a request to eliminate the agility from the testing regimen they would support that request. Ms. Hudson stated that she did not speak directly with Mr. Wisbey regarding this matter. Mr. Wisbey stated that the agility is in place because NOPD requested it be added to the testing regimen. NOPD does not have a position on whether or not you need it for

that job. He stated he desperately wanted the agility. He stated he didn't care if Civil Service observed, but that he wanted to hire someone private so that he did not have to send an officer to do it.

Ms. Hudson stated that an alternative was approved by the Commission to allow other City employees to demonstrate the Cooper Standards. Mr. Wisbey stated that they were active duty EMS employees and scheduling was difficult.

Ms. Stolp stated that she had experienced pressure to allow for second chances in other recent agility testing.

Commissioner Tetlow stated that if any applicants made it to the academy inappropriately the only risk is that they would fail out. Unlike the danger of someone who is not psychologically suitable being hired.

Director Hudson stated she could not certify the results since staff did not observe the administration. The contractor would not be dealing with Civil Service to set standards. They would be dealing with someone directly outside of this agency.

Commissioner Tetlow motioned that Civil Service would no longer be required to observe the test, that they could take the word of the contractor. NOPD would be required to notify Civil Service of the dates and times of the tests and Civil Service would be free to attend.

Director Hudson proposed that the agility be removed from the minimum qualifications and treated like the panel interview and background.

Mr. Greene clarified that the job announcement would be amended to group the examination requirements for Civil Service and NOPD separately. The minimum qualifications required for certification by the Civil Service department would be in one group and the other part of the announcement would include things directly administered by NOPD.

Mr. Wisbey stated that NOPD was not requesting removal of the requirements.

Mr. Greene stated it would be a secondary examination administered and required by NOPD.

Commissioner Tetlow moved to remove the agility test from the Civil Service requirements. Commissioner Tullous seconded the motion. Commissioner Tetlow stated it would take effect immediately. The Commission approved the motion unanimously.

Director Hudson stated for the record that she did not recall ever speaking to Johnathan Wisbey directly regarding this matter.

Item #2 (f) was a request for Civil Service to provide NOPD view only access to Neogov for NOPD records only. Mr. Wisbey stated NOPD currently accesses applicant tracking data via four reports forwarded by Civil Service. NOPD is requesting to view applicant data throughout the hiring process. He stated that the Personnel Director had declined his request for access. Civil Service has an agreement with the city to provide information from Neogov via reports. The reports contain all of the data they would receive from Neogov. Staff is trying to determine how that would work without providing access to other data. Staff is working with Neogov to try to limit the accesses to data outside of NOPD.

Commissioner McClain moved to grant the request with the proviso that staff would figure out how it is done. Commissioner Tullous seconded the motion. The Commission approved the motion unanimously.

Item #3 a request to allow Lieutenant Christian Hart and other similarly situated to address the Commission regarding attempts to obtain benefits and provided by Rule IV, Section 8.2 was deferred at the request of Eric Hessler.

Item #4 was proposed amendments to the Civil Service Rules. Item #4(a) was amendments to Merit Pay, Rule IV Section 2.5 and Performance Evaluation System, Rule XI. The administration is recommending no change to the Merit Pay rule and changes to the Performance Evaluation Rule regarding timelines.

Nick Felton commented that Firefighters are the only group of employees to be excluded from receiving merit pay. Mr. Felton questioned the reason for the exclusion.

Ms. Norton stated that the reason was that the fire employees are the only group that receives a mandatory 2% longevity increase that other employees do not.

Mr. Felton stated that every employee in City government receives longevity pay. He also stated that firefighters must work 212 hours before earning overtime unlike other City employees. Work schedules and time off are also not equivalent.

Commissioner Tetlow exited the meeting at 2:49 p.m.

Mr. Felton also noted that every firefighter does not receive longevity pay. Those with fewer than three and more than twenty three do not earn longevity.

Director. Hudson noted that when the rule was initially proposed, staff objected to the exclusion of firefighters.

There is no amendment to section 2.5 (a), but there are other changes to 2.5 section b. Staff recommended approval of the proposed change to b and approval of the amendments to the performance evaluations section as proposed. Commissioner McClain motioned to approve the changes to the rule. The motion was seconded by Commissioner Tullous and approved by all Commissioners.

There was some confusion as to what rule/agenda item was voted on.

Commissioner McClain moved to revisit the rule changes at the next meeting. Commissioner Clark also moved to revisit the rule changes at the next meeting.

There was no second. The motion failed.

Director Hudson asked if there was a motion with respect to item #4(a) which was amendments to Merit Pay, Rule IV Section 2.5 and Performance Evaluation System, Rule XI.

Commissioner Craig made a motion to approve amendments to Merit Pay, Rule IV Section 2.5 and Performance Evaluation System, Rule XI with no

change to Rule IV Section 2.5 (a). Commissioner McClain seconded the motion and all Commissioners voted affirmatively.

Item #4(b) was amendments to Rule II related to Appeals including Section 4.12, new Section 6.8 and Section 8.1 and new Section 8.3.

Mr. Green stated that he worked with staff, the administration and the law department to prevent unnecessary delays, rescheduling, and last minute filing.

Commissioner McClain moved to approve the rule change. Commissioner Tullous seconded the motion and the motion carried unanimously.

Item #4 (c) was amendments to Rule III Section 6 related to Contracts. This rule change is to make it clear what the Commission's authority is and to make it clear what the City must bring before the Commission in order for them to make an assessment as to if classified employees are being displaced and if the contract is being entered into for economy and efficiency rather than for political reasons.

Commissioner McClain moved to approve the rule change. Commissioner Clark seconded the motion and the motion carried unanimously.

Item #5 (a) under Recruitment and Selection matters were examination announcements #9318-9338. Commissioner Tullous motioned to approve the announcements. The motion was seconded by Commissioner Clark and approved unanimously.

Mr. Felton noted that on April 20th the Commission approved a list of promotions to fire Captain. At that time there were approximately 40 provisional employees. As of today, no one has been promoted from the eligible list. Some provisional employees have failed either or both components of the test. He asked for Commission intervention.

Item #6 was the ratification of Public Integrity Bureau 60 Day Extension Requests. Commissioner McClain motioned to approve the extensions. The motion was seconded by Commissioner Clark and approved by all Commissioners.

Ms. Hudson stated staff would send a letter to the Fire Department letting them know they are not in keeping with the Commission's rules by maintaining provisional appointments while there is a list in existence.

Item #7 (a) under Communications was a report on ADP ongoing issues. Sam Stoute of the Civil Service Classification and Compensation Division stated that the paperless ADP payroll system has generated the need for a large number of paper forms that are required to correct personnel transactions. In the old payroll system staff could go in and correct transactions. ADP prohibits staff from doing so, so the actions must be taken by form.

Commissioner McClain stated for the record that the Civil Service staff anticipated these challenges and had been very vocal about them.

Director Hudson stated that when time is spent on performing these actions in ADP, other work like job studies cannot be completed.


Commissioner McClain stated that staff needs access to go into ADP and make corrections. Ms. Norton stated that the administration would support whatever action is possible in order to find a solution and they would report back.

Item #7(b) was a report on Civil Service budget and staffing. Director Hudson reported that the Department had just lost another analyst. She reported that the candidate for psychometrician had declined the job.

Commissioner McClain asked about the budget process. Director Hudson stated that the Department was not invited to the budget kickoff meeting. Ms. Norton agreed to Commissioner McClain's request for that to change.

Item #7 (c) was a report on the comprehensive classification and salary study. The vendor selection meeting will take place on July 7th. Director Hudson, Robert Hagmann, Alexandra Norton, the Finance Director and Assistant Finance Director are on the selection committee.


Commissioner McClain moved to adjourn the meeting at 3:14 p.m. The motion was seconded by Commissioner Tullous and approved unanimously.



Michelle Craig, Chairperson



Ronald McClain, Vice Chairperson



Joseph S. Clark, Commissioner



Tania Tetlow, Commissioner